

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Rec'd PCT/PTO 19 JUL 2004 PCT

10/501941

<p>To:</p> <p>Ungerer, Olaf EISENFÜHR, SPEISER & PARTNER Association No. 15 Arnulfstrasse 25 D-80335 München ALLEMAGNE</p>		<p style="text-align: center;">WRITTEN OPINION (PCT Rule 66)</p>							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">EISENFÜHR, SPEISER & PARTNER EINGEGANGEN/RECEIVED</td> </tr> <tr> <td style="text-align: center;">14. Nov. 2003</td> </tr> <tr> <td style="text-align: center;">MÜNCHEN</td> </tr> <tr> <td style="text-align: center;">FRIST 13.02.04 <i>ful</i></td> </tr> </table>		EISENFÜHR, SPEISER & PARTNER EINGEGANGEN/RECEIVED	14. Nov. 2003	MÜNCHEN	FRIST 13.02.04 <i>ful</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date of mailing (day/month/year)</td> <td style="width: 50%;">13.11.2003</td> </tr> </table>		Date of mailing (day/month/year)	13.11.2003
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<p>1. This written opinion is the first drawn up by this International Preliminary Examining Authority.</p> <p>2. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application <p>3. The applicant is hereby invited to reply to this opinion.</p> <p>When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).</p> <p>How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.</p> <p>Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.</p> <p>If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.</p> <p>4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 21.05.2004</p>	
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<p>Name and mailing address of the international preliminary examining authority:</p> <div style="display: flex; align-items: center;"> <div> <p>European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840</p> </div> </div>	<p>Authorized Officer</p> <p>Tous Fajardo, J</p> <p>Formalities officer (incl. extension of time limits)</p> <p>Geier, A</p> <p>Telephone No. +49 30 25901-706</p>
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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-13 as originally filed

Claims, Numbers

1-36 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this opinion.)

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	
Inventive step (IS)	Claims	1-36
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1) Reference is made to the following documents:

- D1: EP-A-1 150 530 (FUJITSU LTD) 31 October 2001 (2001-10-31)
- D2: WO 98 33342 A (LEITGEB MANFRED ;BECHER REINHARD (DE); SIEMENS AG (DE)) 30 July 1998 (1998-07-30)

2) The present application does not meet the requirements of Article 33(1) PCT, because the subject-matter of claims 1-36 does not involve an inventive step in the sense of Article 33(3) PCT.

2.1) Document D1, which is considered to represent the most relevant state of the art, discloses a method of changing a subscription information of a subscriber in a data network (see column 33, lines 44-48), comprising the steps of:

- a) detecting a change in said subscription information of said subscriber (see column 34, lines 30-31)

The subject-matter of **claim 1** differs from this method in that it further comprises the steps of:

- b) checking whether a capability of a network element serving a terminal device of said subscriber is still in accordance with said changed subscription information
- c) initiating in response to the result of said checking step a registration procedure for registering said terminal device of said subscriber to a new serving network element

The problem to be solved by the present invention may therefore be regarded as the network element serving the terminal device not being able to cope with the capabilities requested in the new subscription.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons. Document D1 discloses also that the change of subscription is followed by a negotiation phase with the network resource manager (see column 34, lines 30-34). Furthermore, checking whether a capability of a network element serving a terminal device of said subscriber is

still in accordance with said changed subscription information and initiating in response to the result of said checking step a registration procedure for registering said terminal device of said subscriber to a new serving network element are described in document D2 (see page 3, lines 26-36) as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal option to include this feature in the method described in document D1 in order to solve the problem posed.

2.2) The system claim 21 and the subscriber database claim 32 correspond to the method claim 1. Therefore, the subject-matter of claims 21 and 32 does not involve an inventive step (Article 33(3) PCT).

2.3) Dependent claims 1-20, 22-31 and 33-36 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, because they are disclosed in D1 or D2 or are obvious to the skilled person.